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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.

Case:2:18-cr-20325  
Judge: Drain, Gershwin A.  
MJ: Patti, Anthony P.  
Filed: 05-10-2018 At 05:44 PM  
INDI USA V. LEAF (DA)

GABRIEL RAPHAEL LEAF,  
Defendant.

VIO: 18 U.S.C. § 2251(a)(1)  
18 U.S.C. § 2252A(a)(5)(B)  
Forfeiture Allegations

**INDICTMENT**

THE GRAND JURY CHARGES:

**COUNT ONE**

18 U.S.C. § 2251(a)(1) — *Production of Child Pornography*

GABRIEL RAPHAEL LEAF

On or about August 2015, in the Eastern District of Michigan and elsewhere, the defendant, GABRIEL RAPHAEL LEAF, did employ, use, persuade, induce, entice, and coerce a twelve year-old male minor, Minor Victim One, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and, the defendant knew and had reason to know that such visual depiction

was intended to be transported and transmitted, using any means or facility of interstate or foreign commerce, was actually transported and transmitted using any means or facility of interstate or foreign commerce, and was produced and transmitted using materials that had been mailed, shipped, and transported and transmitted in interstate commerce, in violation of Title 18, United States Code, Section 2251(a).

**COUNT TWO**

(18 U.S.C. § 2252A(a)(5)(B) – *Possession of Child Pornography*)

GABRIEL RAPHAEL LEAF

On or about August 26, 2015, within the Eastern District of Michigan, the defendant, GABRIEL RAPHAEL LEAF, knowingly possessed one or more computer hard drives, books, magazines, periodicals, and other material which contained child pornography, as defined in Title 18, United States Code, Section 2256(8), including but not limited to visual depictions of real minors engaged in sexually explicit conduct, that had been shipped and transported using any means and facility of interstate and foreign commerce, had been shipped and/or transported in and affecting interstate and foreign commerce, and were produced using materials that have been mailed, shipped and transported in and affecting interstate and foreign

commerce by any means, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

### **FORFEITURE ALLEGATION**

Upon conviction of the offenses charged in Counts One or Two of the Indictment, the defendant, GABRIEL RAPHAEL LEAF, shall, pursuant to 18 U.S.C. § 2253(a), forfeit to the United States his interest in the following:

- i. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of these subsections;
- ii. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses;
- iii. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense (including, but not limited to, cellular phones, computers, other electronic devices, chips, disks, and/or drives), or any property traceable to such property;

If any of the property described in the paragraphs above as being forfeitable pursuant to 18 U.S.C. § 2253(a), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America, pursuant to 21 U.S.C. § 853(p), intends to seek forfeiture of all other property of the defendant up to the value of the above described forfeitable property.

**THIS IS A TRUE BILL.**

s/ Grand Jury Foreperson  
GRAND JURY FOREPERSON

MATTHEW SCHNEIDER  
United States Attorney

s/ Matthew A. Roth  
MATTHEW A. ROTH  
Assistant United States Attorney  
Chief, Major Crimes Unit

s/ Mollie E. O'Rourke  
MOLLIE E. O'ROURKE  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
(313) 226-9137  
mollie.orourke@usdoj.gov

Date: May 10, 2018

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

### Reassignment/Recusal Information

This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>		Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :		Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		AUSA's Initials: <u>MEO</u>

**Case Title:** USA v. Gabriel Raphael Leaf

**County where offense occurred :** Washtenaw

**Check One:**       Felony       Misdemeanor       Petty

- Indictment/       Information --- no prior complaint.  
 Indictment/       Information --- based upon prior complaint [Case number: ] 18-mj-30157  
      Indictment/       Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

### Superseding Case Information

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- Original case was terminated; no additional charges or defendants.
- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

May 9, 2018  
Date

Mollie E. O'Rourke

Mollie E. O'Rourke  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3277  
Phone: 313-226-9137  
Fax: 313-226-2372  
E-Mail address: [mollie.orourke@usdoj.gov](mailto:mollie.orourke@usdoj.gov)  
Attorney Bar #:

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.